

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BERTRAM HIRSCH and IGOR
ROMANOV, on behalf of themselves and
all others similarly situated,

Plaintiffs,

vs.

CITIBANK N.A.,

Defendant.

Case No. 12 Civ. 1124 (DAB)(JLC)

Class Action

NOTICE OF MOTION

PLEASE TAKE NOTICE that based on the Joint Declaration Of Samuel P. Sporn, Esq. And James C. Kelly, Esq. In Support Of Preliminary Approval Of Class Action Settlement, and the Memorandum Of Law In Support Of Preliminary Approval Of Class Action Settlement, Plaintiffs Bertram Hirsch and Igor Romanov (“Plaintiffs”) will move the Court, at a date and time to be determined by the Court, before the Honorable Deborah A. Batts, at the United States Courthouse for the Southern District of New York, 500 Pearl Street, New York, New York 10007, pursuant to Federal Rule of Civil Procedure 23, for the entry of an Order:

1. Preliminarily approving a proposed Settlement Agreement and Release (“Settlement”), entered into between Plaintiffs, on behalf of themselves and all others similarly situated, and defendant Citibank, N.A. (“Citibank”);¹

¹ The proposed Settlement is attached as Exhibit A to the Joint Declaration of Samuel P. Sporn, Esq. and James C. Kelly, Esq. in Support of Preliminary Approval of Settlement, filed concurrently herewith. Attached as Exhibit 4 to the Settlement is a Proposed Preliminary Approval Order.

2. Certifying, for settlement purposes, the proposed Settlement Class, as defined in the Settlement;

3. Appointing James C. Kelly, Esq., of the Law Office of James C. Kelly, and Samuel P. Sporn, Esq. of Schoengold & Sporn, P.C., as Settlement Class Counsel representing the Settlement Class and appointing Plaintiffs Bertram Hirsch and Igor Romanov as Class Representatives representing the Settlement Class;

4. Approving the parties' proposed forms of notice and notice program, as set forth in the Settlement, and directing that notice be disseminated pursuant to such program;

5. Approving the parties' proposed claim form and procedures for objections and exclusions from the Settlement Class

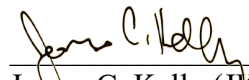
6. Appointing Rust Consulting, Inc., as Settlement Administrator;

7. Pending the final determination of whether the Settlement should be approved, stay and enjoin Plaintiff and each Settlement Class Member (other than opt-outs) from commencing, pursuing, maintaining, enforcing or prosecuting any Released Claims against any of the Released Parties; and

8. Setting a Final Approval Hearing and certain other dates in connection with the final approval of the Settlement.

Dated: September 8, 2016
New York, New York

Respectfully submitted,



James C. Kelly (JK-9616)

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*Attorneys for plaintiffs and the proposed
class*